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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,721	11/25/2003	Martin Kappes	503042-A-01-US (Kappes)	5762

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EXAMINER	
BIAGINI, CHRISTOPHER D	
ART UNIT	**PAPER NUMBER**
2142	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,721	KAPPES ET AL.	
	Examiner	Art Unit	
	Christopher Biagini	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the Declaration have been fully considered and are persuasive. Accordingly, the objection is withdrawn.

Applicant's arguments with respect to the Information Disclosure Statement have been fully considered but are not persuasive. The fact that the documents themselves do not indicate a publication date does not absolve Applicant of the responsibility to provide such a date. This requirement is fully explained in MPEP § 609.

Applicant's arguments with respect to the rejection of claims 1-13 under 35 USC 101 have been fully considered and are persuasive. Accordingly, the rejection is withdrawn.

Applicant's arguments with respect to the rejection of claims 1 and 9 under 35 USC 102(b) have been fully considered and are persuasive in light of the amendments made thereto. Accordingly, the rejection is withdrawn. However, upon further consideration, a new grounds of rejection is made. Furthermore, the Examiner respectfully disagrees with Applicant's assertion that Jones does not teach evaluating content based on whether said device "*previously* connected to at least one other network." Jones attempts to establish a connection to a first network. Based on whether that attempt has succeeded (i.e., based on whether the system has *previously connected* to the network), Jones evaluates a content of the device. In other words, the claims only require determining that a connection has been made, and Jones provides for this determination.

Applicant's arguments with respect to claims 2-8 and 10-13 rely on the arguments presented with respect to claims 1 and 9. These arguments have been addressed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Noguchi (US Pub. No. 2003/0005333).

Regarding claim 1, note that the preamble has been given patentable weight, as it is relied upon by the body of the claim *(see "said device" on line 2)*.

Jones shows a method for authenticating a device connecting to a first network *(comprising a network associated with a secondary "logon provider": see Fig. 5 and col. 2, lines 36-41)*, comprising:

- determining if said device previously connected to at least one other network *(the other network comprising the network associated with the primary login provider: see step 705 in Fig. 7 and col. 8, lines 34-39)*; and
- evaluating a content *(comprising a username and password)* of said device based on whether said device previously connected to at least one other network *(note that the username and password used for the secondary logon provider depends on whether the*

connection to the other network was successful: see steps 706 and 714 in Fig. 7; col. 8, lines 39-47; and col. 9, lines 20-22); and

- providing a result of said evaluation (*comprising allowing or disallowing the device on the network: see col. 2, lines 36-41*).

Jones does not show that evaluating the content comprises evaluating an integrity of data content.

Noguchi shows evaluating data content by evaluating the integrity of the data content (comprising determining if a token has been altered: see [0019]-[0020]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jones with the data content evaluation taught by Noguchi in order to achieve the predictable result of preventing clients with invalid credentials from gaining access to the secondary network.

Regarding claim 4, Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if a token on said device has been altered.

Noguchi shows authentication by use of a token and determining if a token on a device has been altered (see [0019]-[0020]).

It would have been obvious to one of ordinary skill to modify the system of Jones with the token authorization and alteration detection taught by Noguchi in order to achieve the predictable result of preventing clients with invalid credentials from gaining access to the primary network.

Claim 9 is an apparatus claim corresponding to claim 1 and is rejected for the same reasons as given above.

Claim 10 is an apparatus claim corresponding to claim 4 and is rejected for the same reasons as given above.

Claims 2, 3, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Noguchi (US Pub. No. 2003/0005333), and further in view of Jemes (US Pub No. 2001/0042213).

Regarding claim 2, Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if said device connected to at least one untrusted network.

Jemes shows determining if a device (comprising a device in a “known bubble”) connected to at least one untrusted network (comprising connecting to a device in an “unknown bubble", whose integrity cannot be verified). See paragraphs [0033] and [0040].

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Jones with the network determination of Jemes in order to enforce security policies when connecting to untrusted networks.

Regarding claim 3, Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if said device connected to at least one unknown network.

Jemes shows determining if a device (comprising a device in a "known bubble") connected to at least one unknown network (comprising connecting to a device in an "unknown bubble"). See paragraph [0040].

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Jones with the network determination of Jemes in order to enforce security policies when connecting to unknown networks.

Regarding claim 6, Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein a scope of said evaluating step is based on properties of said at least one other network.

Jemes shows wherein a scope of an evaluating step for a first network is based on properties (the properties comprising security policies) of at least one other network (comprising evaluating security policies for bubbles 20a and 30a).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Jones with the evaluation system of Jemes in order to ensure that policies at network control points are consistent and error free (see Jemes, [0015]).

Claim 12 is an apparatus claim corresponding to claim 6 and is rejected for the same reasons as given above.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Noguchi (US Pub. No. 2003/0005333), and further in view of Manchin (US Pub No. 2004/0049567).

Regarding claim 5, Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of logging an address of each network that said device accessed.

Manchin shows logging the address of networks that a device accesses (see [0123]).

It would have been obvious to one of ordinary skill in the art to further modify the system of Jones to log network addresses as taught by Manchin in order to provide a record of the device's activities for later review by administrative personnel.

Regarding claim 11, Jones in view of Noguchi shows the limitations of claim 9 as applied above, but does not show evaluating a log of addresses of each network that said device accessed.

Manchin shows evaluating a log of addresses of each network that a device accessed (see [0136]).

It would have been obvious to one of ordinary skill in the art to further modify the system of Jones to evaluate logs of network addresses as taught by Manchin in order to provide an alert when the network address of the device changes (see [0136]-[0137]).

Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Noguchi (US Pub. No. 2003/0005333), and further in view of Daenen (US Pub No. 2003/0140151).

Regarding claim 7, Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein a scope of said evaluating step is based on one or more defined content authentication rules.

Daenen shows wherein the scope of an evaluating step is based on one or more defined content authentication rules (the scope comprising how many and which servers are involved in authentication: see [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Jones with the content authentication rules of Daenen in order to easily define and enforce network policies (see [0033]).

Claim 13 is an apparatus claim corresponding to claim 7 and is rejected for the same reasons as given above.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Noguchi (US Pub. No. 2003/0005333), and further in view of Hoene (US PG-Pub No. 2002/0199116).

Jones in view of Noguchi shows the limitations of claim 1 as applied above, but does not show wherein said evaluating step further comprises the step of performing a virus scan.

Hoene shows wherein an evaluating step comprises performing a virus scan (see [0029]-[0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Jones with the virus scan of Hoene in order to prevent devices which may be infected from gaining access to the network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Andrew Caldwell/
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